

FILED: March 23, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUITNo. 17-1022, NLRB v. USPOA
05-CB-172609

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: To be timely, a petition for certiorari must be filed in the United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons.

(www.supremecourt.gov)

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED

COUNSEL: Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available on the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a [Bill of Costs](#) within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

PETITION FOR REHEARING AND PETITION FOR REHEARING EN

BANC: A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 3900 words if prepared by computer and may not exceed 15 pages if handwritten or prepared on a typewriter. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

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UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-1022
(05-CB-172609)

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

UNITED SECURITY & POLICE OFFICERS OF AMERICA

Respondent

J U D G M E N T

The Board's proposed judgment and order are attached hereto and are adopted as the judgment of this court enforcing an order of the National Labor Relations Board.

The court's mandate shall issue forthwith.

/s/ PATRICIA S. CONNOR, CLERK

UNITED STATES COURT OF APPEALS
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NATIONAL LABOR RELATIONS BOARD

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OFFICERS OF AMERICA

Respondent

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No. 17-1022

Board Case No.:
05-CB-172609

JUDGMENT

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondent, United Security & Police Officers of America, its officers, agents, successors, and assigns, on December 22, 2016, in Board Case No. 05-CB-172609; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Fourth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, United Security & Police Officers of America, its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

Mandate shall issue forthwith

NATIONAL LABOR RELATIONS BOARD

v.

UNITED SECURITY & POLICE OFFICERS OF AMERICA

ORDER

United Security & Police Officers of America, Washington, D.C., and Oxon Hill, Maryland, its officers, agents, and representatives, shall

1. Cease and desist from

- (a) Failing and refusing to provide nonmember objectors with expenditure information of the Respondent that has been sufficiently verified by an independent auditor.
- (b) In any like or related manner restraining or coercing employees of North American Security, Inc. in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act.

2. Take the following affirmative action.

- (a) For the accounting period for calendar year 2014, provide Ayodele Awowale and other similarly-situated nonmember objectors with information concerning expenditures by the Respondent that has been sufficiently verified by an independent auditor. If Ayodele Awowale and other similarly-situated nonmember objectors, with reasonable promptness after receiving this information, challenge the dues reduction calculation for any such accounting period, process such challenge as it would otherwise have done in accordance with the principles of *California Saw & Knife*, 320 NLRB 224 (1995).
- (b) Within 14 days of service by the Region, the Respondent will post at its office at 5620 St. Barnabas Road, Suite 314, Oxon Hill, Maryland, copies of that attached notice marked Appendix A. Copies of the notice, on forms provided by the Regional Director for Region Five, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees and members are

customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, by posting on the Respondent's internet site home page at www.nuspoa.org. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. Further, if the Respondent maintains bulletin boards at the facility of the Employer where the alleged unfair labor practices occurred, the Respondent shall also post Notices on each such bulletin board during the posting period. The Regional Director will send copies of the signed Notices to the Employer whose employees are involved in this case, and request that the Notices be posted in prominent places in the Employer's facility for 60 consecutive days from the date of posting.

- (c) Within 21 days after service of this order by the Region, file with the Regional Director for Region 5 a sworn certification by a responsible Respondent official attesting to the steps that the Respondent has taken to comply.

APPENDIX A**NOTICE TO EMPLOYEES AND MEMBERS**

**Posted by Order of the
National Labor Relations Board
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain on your behalf with your employer
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities

WE WILL NOT fail or refuse to provide to nonmember objectors our expenditure information that has been verified by an independent auditor.

WE WILL provide Ayodele Awowale with information concerning our 2014 expenditures that has been verified by an independent auditor.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

UNITED SECURITY & POLICE OFFICERS OF AMERICA

The Board's decision can be found at www.nlr.gov/case/05-CB-172609 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

